

In the Iowa Supreme Court

In the Matter of Adopting)
Amendments to the Iowa Rules of)
Appellate Procedure and Rule 31.15)
of the Iowa Court Rules)

CLERK SUPREME COURT

Order

The Iowa Supreme Court adopts amendments to the Iowa Rules of Appellate Procedure, contained in chapter 6 of the Iowa Court Rules, and to rule 31.15 addressing appellate practice of law students and recent law graduates. By separate contemporaneous order, the court is also adopting revisions to criminal procedure rules 2.29 and 2.30 concerning an attorney's duty of continuing representation and matters of withdrawal from representation in criminal matters.

The court has submitted these proposed amendments for public comment on two separate occasions. Public comment on proposed court rule changes is an important part of the court's rulemaking process, providing valuable insight from practitioners that assists the court in drafting and implementing clear and concise rules. The court again thanks those individuals and associations that take time away from busy schedules to submit helpful comments.

As noted in the previous orders requesting public comment on these rules, the changes to chapter 6 are widespread, with a primary aim of assimilating into the chapter rules of electronic filing that affect appellate practice. For the convenience of practitioners appearing in our appellate courts, the court iterates here a summary of some of the changes to the rules:

1. The prior rules require a filer to serve every document filed. Under the electronic document management system (EDMS), the system automatically serves registered users. Because EDMS changes this dynamic, the amended

rules only require a filer to serve the court reporter, the attorney general in a certified question case, prisoners, and other persons required to be served under the Iowa Rules of Appellate Procedure when the EDMS system will not serve that person automatically upon filing. See rules 6.701, .702; *see also, e.g.*, rules 6.102(1)(a)(2), .102(2)(b), .104(1)(c), .106(1)(c), and .107(1)(c).

2. The prior rules require a filer to file and serve multiple copies of documents. The amended rules abandon the requirement that parties file and serve multiple copies. *See, e.g.*, rules 6.201(1)(b), .202(2), and .901(8).

3. Rule 6.110 clarifies a filing party's responsibility in handling protected information and confidential materials. The amended rules require separate appendices for confidential information. *See* rules 6.110(2)(c) and .905(14).

4. Rule 6.201(2) bars a party from joining another party's petition on appeal.

5. Rule 6.803(2)(g) requires electronic transcripts to be searchable.

6. Rule 6.803(2)(f) no longer allows condensed transcripts.

7. Rules 6.903 and 6.905 clarify that electronically filed appellate briefs and appendices should have white covers with consecutive page numbering in Arabic numerals beginning with the cover page and including any blank pages. The maximum printing cost per page is reduced from \$4.00 to \$1.00.

8. Rule 6.904(2)(a) removes the requirement to use L. Ed. cites.

9. Rule 6.904(5) allows hyperlinks.

10. Rule 6.906 changes the time a party has to file an amicus brief to seven days after the party the amicus supports files its brief. The rule also requires a certification in amicus briefs as to who funded the preparation or submission of the amicus brief.

11. Rule 6.1005 bolsters citation requirements when an attorney files a motion to withdraw claiming the appeal is frivolous.

12. Rule 6.1103 clarifies the responsibility of complete and accurate citation to the record in applications for further review. The rule also references a proposed new form 10 in rule 6.1401—a certificate of compliance for applications for further review.

13. Rule 6.1202 provides penalties for failure to respond to appellate court orders.

14. Rule 6.1208(1)(b) adds a 21-day delay in the issuance of the procedendo if the court denies a petition for rehearing and amends the decision.

15. Finally, rule 31.15 requires that students presenting oral argument to an appellate court must file an appearance in the case no less than seven days prior to the argument.

The amendments include changes to rules 6.102 and 6.104, which pursuant to Iowa Code section 602.4202 are subject to Iowa Legislative Council review.

The amendments to the Iowa Rules of Appellate Procedure and to court rule 31.15 provided with this order will be effective beginning March 1, 2017.

Dated this 18th day of November, 2016.

The Iowa Supreme Court

By Mark S. Cady
Mark S. Cady, Chief Justice